

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHON DEJON ALEXANDER,

Plaintiff,

v.

AFSHIN ARYA,

Defendant.

No. 2:20-cv-2294 KJM CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 14, 2021, the undersigned issued findings and recommendations to dismiss plaintiff's complaint without prejudice due to his failure to file an amended complaint within the time provided. Plaintiff has filed objections to the findings and recommendations indicating that he never received the court's prior order dismissing his complaint with leave to amend. Based on plaintiff's objections, the court will vacate its Findings and Recommendations, re-serve a copy of the screening order on plaintiff, and reset the deadline for filing an amended complaint.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 14, 2021 (ECF No. 12) are vacated.
2. The Clerk of Court is directed to reserve a copy of the court's April 19, 2021 screening

1 order (ECF No. 8) on plaintiff.

2 3. Plaintiff is granted thirty days from the date of service of this order to file an amended
3 complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil
4 Procedure, and the Local Rules of Practice. The amended complaint must bear the docket
5 number assigned this case and must be labeled "Amended Complaint." Failure to file an
6 amended complaint in accordance with this order will result in a recommendation that this action
7 be dismissed.

8 Dated: August 5, 2021



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

12/alex2294.vacateF&R.docx